



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 19, 1991

Mr. Thomas Windham  
Chief of Police  
Fort Worth Police Department  
350 West Belknap Street  
Fort Worth, Texas 76102

OR91-580

Dear Chief Windham:

The Fort Worth Police Department (the department) asks whether certain information is subject to public disclosure under the Texas Open Records Act (the act), V.T.C.S. art. 6252-17a. Your request was assigned ID# 13686.

The Fort Worth City Manager has received a request for personnel records for certain employees of the Fort Worth Police Department. The department claims that the requested information is excepted from public disclosure by subsections 3(a)(1), (2), (3), (8), (11), and (14) of the act.

To secure the protection of section 3(a)(3) of the act, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation. Open Records Decision No. 551 (1990). You have informed us that the six officers the requestor lists are the subjects of an investigation by the Tarrant County grand jury. You also have informed us that the grand jury has subpoenaed the same documents the requestor seeks. Based on this information and upon our examination of the documents you have submitted for our review, we conclude that the requested documents relate to reasonably anticipated litigation in which the officers and the department may be parties. Accordingly, the department may withhold the information under section 3(a)(3) of the act. Because we resolve

your request under section 3(a)(3), we need not address the applicability of the other exceptions you claim.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-580.

Yours very truly,



Kym Oltrogge  
Assistant Attorney General  
Opinion Committee

KO/mc

Ref: ID# 13686

cc: Ms. Kathy Sanders  
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